



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

May 23, 2016

REVIEW OF NOMINATING PETITION

Julie O'Neill
Candidate for Judge of the 56-A District Court
Regular Term, Non-Incumbent Position

NUMBER OF VALID SIGNATURES REQUIRED: 600 signatures.

TOTAL FILING: 835 signatures.

RESULT OF FACE REVIEW: 760 face valid signatures; 75 invalid signatures.

Total number of signatures filed:		835
Address errors by signers (dual jurisdiction entry, etc.):		64
Date errors by signers (incomplete or incorrect date, etc.):		11
Face valid signatures:		760

TOTAL NUMBER OF SIGNATURES QUESTIONED UNDER CHALLENGE: The challenger, Shirlee Bobryk, challenges a total of 402 signatures for (1) the candidate's failure to include the correct designation of incumbency in the heading of several sheets of nominating petitions, (2) the candidate's failure to include the phrase, "Regular Term" in the heading of any of her nominating petitions, and (3) various defects in signers' entries.

ANALYSIS OF CHALLENGE: With respect to the first allegation, the Michigan Election Law requires non-incumbents who are seeking election to the office of District Court Judge to include the designation, "Incumbent Position" or "Non-Incumbent Position," in the heading of their nominating petitions in certain circumstances. Under the Michigan Election Law,

(2) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing, consistent with section 467c(4):

- (a) An *unspecified* existing judgeship for which the incumbent judge is seeking election.
- (b) An *unspecified* existing judgeship for which the incumbent judge is not seeking election.
- (c) A new judgeship.

* * *

(4) *In a primary and general election for 2 or more judgeships where more than*

If of the categories in subsection (2) could be selected, a candidate shall apply to the bureau of elections for a written statement of office designation to correspond to the judgeship sought by the candidate. The office designation provided by the secretary of state shall be included in the heading of all nominating petitions. Nominating petitions containing an improper office designation are invalid.

(5) The secretary of state shall issue an office designation of incumbent position for any judgeship for which the incumbent judge is eligible to seek reelection. If an incumbent judge does not file an affidavit of candidacy by the deadline, the secretary of state shall notify all candidates for that office that a nonincumbent position exists. All nominating petitions circulated for the nonincumbent position after the deadline shall bear an office designation of nonincumbent position. All signatures collected before the affidavit of candidacy filing deadline may be filed with the nonincumbent nominating petitions.

MCL 168.467b (emphasis added). With respect to the 56-A District Court, there is only one position to be elected in 2016. Until March 22, 2016, the position was designated as an “Incumbent” position because the current officeholder was eligible to seek re-election. When Judge Hoffman did not file for re-election by the incumbent filing deadline on March 21, 2016, the position was re-designated as a “Non-Incumbent” position in accordance with MCL 168.467b. All of the candidate’s nominating petitions, including those circulated prior to March 22, 2016, include the “Non-Incumbent” designation. Because only one position is available to be elected for this particular office in 2016, staff recommends the rejection of this aspect of the challenge.

With respect to the challenger’s second allegation that the candidate neglected to print the phrase “Regular Term” in the heading of her nominating petitions, each petition sheet includes the following in the field for “Term of Office / Term Expiration Date”: “District Court Judge/2023.” The position to be elected is a six-year term, expiring on January 1, 2023. Staff recommends the rejection of this aspect of the challenge.

As to the challenges to 243 individual entries, challenges against 70 signatures overlapped face review; 80 additional signatures were determined to be invalid; 93 challenged signatures were determined to be valid.

Total number of signatures filed:		835
Signatures discounted under face review:		75
Signatures discounted under challenge (signer not registered to vote or not registered to vote in the district):		80
Valid signatures after challenge:		680

FINAL RESULT: 680 valid signatures.

STAFF RECOMMENDATION: Determine petition sufficient.